

REMARKS

Claims 9-18 are pending. Claims 9, 14 and 18 are amended.

As a preliminary matter, an Information Disclosure Statement was filed on June 16, 2003. The Examiner is requested to return an initialed form PTO-1449 showing consideration of the references cited therein.

Claims 9-13 and 15-18 were rejected under 35 USC §102(b) as being anticipated by Leong. Furthermore, claim 14 was rejected under 35 USC §103(a) as being unpatentable over Leong further in view of Wolf. Favorable reconsideration of these rejections is earnestly solicited.

Claims 9 and 18 have been amended in accordance with the suggestions made by the Examiner in a telephone call on June 17, 2003. Applicants note that the language of the claims only require that some impurities penetrate through the first insulation film, i.e., that there is no requirement that all of the impurities which are implanted must penetrate through the first insulation film. It should be noted that some of the impurities would stop within the first insulation film.

Claims 14 has been amended to set forth atomic percent which is the art-accepted standard.

In the Office Action, it is noted that the Examiner improperly relies upon applicants' own disclosure formulating the rejection. In order for a reference to anticipate a claim, a reference must disclose each and every limitation set out in the claim. The Examiner improperly relies upon applicants' own disclosure at pages 14-16 regarding the effects of the ion implantation energy employed in the invention. Based upon this improper reliance, the Examiner then concludes that at

U.S. Patent Application Serial No. 09/228,148

least the portions of the ranges disclosed by Leong would be suitable to penetrate the thickness of the SOG disclosed by Leong.

Although Leong may disclose implantation energies which could penetrate a thickness a layer disclosed by Leong, the Examiner must consider the disclosure of Leong in its entirety. As argued in the prior response, Leong discloses a thickness of its SOG layer which would coincide with the thickness of argon ion implantation. As such, there would be no suggestion to implant ions at a depth greater than the thickness of the SOG layer.


For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by Applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone Applicants' undersigned attorney.

In the event that this paper is not timely filed, applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect to this paper, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,

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